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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,875	05/08/2000	DONALD ARTHUR REYNOLDS	65008-018	4421

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EXAMINER	
SHIPSIDES, GEOFFREY P	
ART UNIT	PAPER NUMBER
1732	15

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/486,875	REYNOLDS, DONALD ARTHUR	
	Examiner	Art Unit	
	Geoffrey P. Shipsides	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,9,11 and 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9,11 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 9, 11, and 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1: The original disclosure does not provide literal or inherent support for the limitation of "with solid material between said surfaces" on line 2. It seems that the applicant is attempting to differentiate the extrudate from the preform of the Eagles reference by trying to exclude the use of hollow preforms (or extrudate). The examiner, however, points out that the shape of the instant extrudate (instant Figure 8) does also contain a hollow portion. The examiner further points out that Eagles does teach a preform that does have solid material between the front and back surfaces of the preform.

Regarding claims 9, 11, and 12: Lines 10-11 of claim 9 recite, "injecting a plastic material into the mold ***along the line*** to rebuild the removed portion", which also constitutes new matter. The original specification does not provide literal or inherent

support for the injecting of plastic material into the mold ***along the line.*** Claims 11 and 12 are further dependent upon claim 9.

3. Claims 9, 11, and 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Lines 10-11 of claim 9 recite, "injecting a plastic material into the mold ***along the line*** to rebuild the removed portion", which is unclear. The specification does not enable the injection of material along the line. This limitation either appears to merely state that material is injected against the extrudate at the point where the extrudate were cut or appears to limit the instant claim language to some un-described injection molding process. Claims 11 and 12 are dependent upon claim 9. Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 and 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,069,849 (Wain) in view of U.S. Patent No. 2,364,962 (Eagles).

Wain teaches a method of forming a joint between two plastics extrusions having front and rear surfaces with solid material between said surfaces (figures); wherein the process comprises mitring the extrusions (Abstract, lines 4-5); removing a solid part of the rear face of each extrusion behind said front surface (Figure 4); placing the mitred extrusions in a mold and injecting a resin material to restore the solid shape and bond the extrusion to one another across the mitred joint beneath the front surfaces and produce the desired join configuration (Abstract, lines 5-11).

Regarding claim 1: Wain does not teach that the front surface of the finished joint is entirely defined by the front surfaces of the extruded linear members. Eagles, however, teaches a similar process for joining rubber gaskets (Page 1, Column 1, lines 3-4) where a section of the underside is removed at the joint point to facilitate the molding operation (Figure 4) to create a gasket joint entirely defined by the upper surface of the original gasket material.

Eagles, however, does not specifically teach the injection molding of material to bond the gasket material together. Wain teaches a process of injecting material in order to connect cut stock strips of material into a combined article. Eagles teaches the placement of the gasket material into a mold to vulcanize the material together after the removal of a section of the back of the gasket material. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the process as taught by Wain to have the finished joint's front surface entirely defined the upper surface of the original stock material as taught by Eagles and mitered to do so in order to produce a more decorative gasket joint that eliminates extra lines and changes in

material parts and also to create a gasket (sealing) strip with the improved sealing properties as taught by Eagles. Further the teachings of Wain and Eagles are combinable because they are both from the same field of endeavor as being related to sealing structures.

Regarding claim 9: Wain teaches a method of forming a joint between two plastics extrusions having front and rear surfaces (figures); wherein the process comprises mitring the extrusions at mitred ends (Abstract, lines 4-5); removing a solid portions of the rear surface of each extrusion along a line at the mitred ends behind said front surfaces (Figure 4); placing the mitred extrusions in a mold to form a mitered joint with the front surfaces abutting one another at the mitred joint and injecting a plastic material into the mold along the line to rebuild the solid plastic material and bond the extrusion to one another across the mitred joint beneath the front surfaces (Abstract, lines 5-11).

Wain does not teach that the front surface of the finished joint is entirely defined by the front surfaces of the extruded linear members. Eagles, however, teaches a process for joining rubber gaskets (Page 1, Column 1, lines 3-4). Eagles teaches a process where 45 degree angles are cut at the rubber gasket ends (Page 1, Column 2, lines 40-44) and a section of the underside is removed at the joint point to facilitate the molding operation (Figure 4) to create a gasket joint entirely defined by the upper surface of the original gasket material.

Eagles, however, does not specifically teach the injection molding of material to bond the gasket material together. Wain teaches a process of injecting material in order

to connect cut stock strips of material into a combined article. Eagles teaches the placement of the gasket material into a mold to vulcanize the material together after the removal of a section of the back of the gasket material. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the process as taught by Wain to have the finished joint's front surface entirely defined the upper surface of the original stock material as taught by Eagles in order to produce a more decorative gasket joint that eliminates extra lines and changes in material parts and also to crated a gasket (sealing) strip with the improved sealing properties as taught by Eagles. Further the teachings of Wain and Eagles are combinable because they are both from the same field of endeavor as being related to sealing structures.

It is further noted that the mitering (or cutting away) of material in the process of Wain is intrinsically preformed along a line. Further, the injecting of material in the process of Wain does fill material into the area in which material is removed from the extrudate, and thus material is injected into the mold along the line.

Regarding claim 11: The rear portion of the extrusion as taught by Wain constitutes a sealing structure and it is the purpose of Wain to continue the rear portion of the extrusions around the corner of the join in order to have a continuous sealing structure around the joint.

Regarding claim 12: The rear portion of the extrusion as taught by Wain includes a foot portion (Figure 2, ref. No. 64b).

Response to Arguments

6. Applicant's arguments filed 11-21-02 have been fully considered but they are not persuasive.

With regard to the Applicant's assertion that the amendment to claim 1 distinguishes the extrusions from the extrusions of Eagles, the examiner points out that although Eagles does teach hollow extrusions, Eagles does have solid material between the front and rear surfaces of the extrusion of Eagles, and hence does meet the instant limitation on the extrusions. Further, even if the instant claim language was amended to distinguish the instant extrudate from the hollow extrudate of Eagles, it still would have been obvious to one having ordinary skill in the art at the time of invention to modify the process of Wain to make the upper surface of the finished joint between extrusions to be entirely defined by the front surfaces of the mitred extrusions as taught by Eagles in order to produce a more decorative gasket joint that eliminates extra lines and changes in material parts and also to crated a gasket (sealing) strip with the improved sealing properties as taught by Eagles. Eagles overcome the deficiency in Wain.

With regard to the Applicant's assertion that the amendment to claim 9 distinguishes the process from the prior art, the examiner contends that the process as taught by Wain, while not specifically reciting that the material is cut "along a line", does produce an extrudate preform that has flat surfaces, and thus would intrinsically be cut along a line. Further, the process of cutting along lines is a notoriously well known method of shaping materials and even if it is not intrinsic in the process of Wain, it would have been obvious to one having ordinary skill in the art to cut the extrudate as taught

by Wain in the notoriously well known method of cutting in order to provide a method of shaping the ends of the extrusions of Wain into the desired shape and length required to form the intended product.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey P. Shipsides whose telephone number is 703-306-0311. The examiner can normally be reached on Monday - Friday 9 AM till 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Geoffrey P. Shipsides/gps
January 26, 2003

MARK EASHOO, PH.D
PRIMARY EXAMINER

26/5-03